

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**BLACK WARRIOR RIVER-KEEPER,  
INC., et al.,**

**Plaintiffs,**

**v.**

**BLUESTONE COKE, LLC, JAY  
JUSTICE, AND DON WIGGINS,**

**Defendants.**

**Case No.: 2:23-cv-01211-RDP**

**PLAINTIFFS' REPORT TO THE COURT**

Defendants have yet again failed to comply with an Order of this Court. On August 22, 2024, this Court ordered that Bluestone Coke, LLC, James “Jay” Justice, III, and Donald Wiggins (“Defendants”) were in civil contempt. In order to fully purge that contempt, Defendants must pay Plaintiffs’ reasonable costs and fees, produce responses to Plaintiffs’ pending discovery requests, and provide deposition dates and alternative mediation dates. Doc. 52. The Court also ordered Plaintiffs to certify whether Defendants were in compliance with the Order. *Id.*

Despite this Order and this Court’s clear warnings that failure to comply may result in sanctions authorized by the Federal Rules of Civil Procedure, Defendants have failed to comply with two of the three items this Court ordered Defendants to complete. Defendants have still failed to produce any discovery or pay any fees. (Today at 4:16pm, the Defendants agreed to be deposed on October 7-9, 2024. Defendants have also agreed to hold mediation on October 25. Of course, agreeing to dates and actually appearing are different matters. Defendants have agreed to a mediation date before, only to ignore it.) In any case, an attempt to depose Defendants and

complete mediation will be ineffective and meaningless without any responses to Plaintiffs' discovery requests.<sup>1</sup>

Plaintiffs propounded their first set of discovery to Defendants on March 15, 2024 (six months ago) and have received no response. Plaintiffs have also sent Defendants an invoice for \$13,260—the Plaintiffs' reasonable costs and fees incurred by working to obtain these requests. However, this invoice has not been paid. (*See* Ex. A, Email and Invoice from Plaintiffs dated Aug. 30, 2024). This Court has ordered compliance of discovery at least four different times, warning that failure may result in sanctions, only to be ignored. *See* Docs. 38, 43, 46, 52. Defendants' blatant disregard of the Court's orders wastes both judicial and the Plaintiffs' resources. Defendants continue to thumb their nose at the Court and this case and therefore deserve sanctions now.

Respectfully submitted this 11th day of September, 2024,

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<sup>1</sup> At 4:51pm today, Defendants' attorney promised to send responses (as he has done before) by 5:30. This Court has asked Plaintiffs to certify today whether Defendants have complied with this Order. As of 5:00pm, Defendants had not responded with discovery responses. If Defendants do file responses tonight, we will update the Court accordingly.

**CERTIFICATE OF SERVICE**

I hereby certify that, on September 11, 2024, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of the filing to all counsel of record.

s/Sarah Stokes

Sarah Stokes

*One of the Attorneys for Plaintiffs*